

Senator DENTON. Well, since this memorandum is such an important issue with so many people and such an important issue bearing on the subject we are discussing, I would ask permission from the chairman to deliver this memorandum—a copy of it, it is relatively brief—to Judge O'Connor, sir, so that she can address—

The CHAIRMAN. The staff will deliver a copy of the memorandum to Judge O'Connor.

Senator DENTON. Mr. Chairman, I would respectfully request that a copy of the memorandum be placed in the record.

The CHAIRMAN. Without objection, it will be placed in the record.
[Material to be supplied follows:]

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., July 7, 1981.

Memorandum for the Attorney General.

From: Kenneth W. Starr, Counselor to the Attorney General.

On Monday, July 6, 1981, I spoke by phone on two occasions with Judge O'Connor. She provided the following information with respect to her public record on family-related issues:

As a trial and appellate judge, she has not had occasion to rule on any issue relating to abortion.

Contrary to media reports, she has never attended or spoken at a women's rights conference on abortion.

She was involved in the following legislative initiatives as a State Senator in Arizona:

In 1973, she requested the preparation of a bill, which was subsequently enacted, which gave the right to hospitals, physicians and medical personnel not to participate in abortions if the institution or individual chose not to do so. The measure, Senate Bill 1133, was passed in 1973.

In 1973, she was a co-sponsor (along with 10 other Senators) of a bill that would permit state agencies to participate in "family planning" activities and to disseminate information with respect to family planning. The bill made no express mention of abortion and was not viewed by then Senator O'Connor as an abortion measure. The bill died in Committee. She recalls no controversy with respect to the bill and is unaware of any hearings on the proposed measure.

In 1974, Senate Bill 1245 was passed by the Senate. Supported by Senator O'Connor, the bill as passed would have permitted the University of Arizona to issue bonds to expand existing sports facilities. In the House, an amendment was added providing that no abortions could be performed at any educational facility under the jurisdiction of the Arizona Board of Regents. Upon the measure's return from the House, Senator O'Connor voted against the bill as amended, on the ground that the Arizona Constitution forbade enactment of legislation treating unrelated subject matters. In her view, the anti-abortion rider was unrelated to the primary purpose of the bill, namely empowering the University to issue bonds to expand sports facilities. Her reasons for so voting are nowhere stated on the record.

In 1970, House Bill 20 was considered by the Senate Committee on which Senator O'Connor then served. As passed by the House, the bill would have repealed Arizona's then extant criminal prohibitions against abortion. The Committee majority voted in favor of this pre-Roe v. Wade measure; a minority on the Committee voted against it. There is no record of how Senator O'Connor voted, and she indicated that she has no recollection of how she voted. (One Senator voting against the measure did have his vote recorded.)

Judge O'Connor further indicated, in response to my questions, that she had never been a leader or outspoken advocate on behalf of either pro-life or abortion-rights organizations. She knows well the Arizona leader of the right-to-life movement, a prominent female physician in Phoenix, and has never had any disputes or controversies with her.

Senator DENTON. If I may, Mrs. O'Connor, I would ask you to read it because I am going to ask if you think that the memoran-